

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MINNIE LIVINGSTON,

Plaintiff,

-against-

ROOSEVELT UNION FREE SCHOOL
DISTRICT,

Defendant.
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AZRACK, United States District Judge:

Defendant Roosevelt Union Free School District (“Defendant”) moved to dismiss the complaint filed by plaintiff Minnie Livingston (“Plaintiff”) pursuant to Fed. R. Civ. P. 12(b)(6). (ECF No. 20.) The Court referred Defendant’s motion to Magistrate Judge Steven I. Locke for a report and recommendation. (Electronic Order, 11/4/2019.)

On January 15, 2020, Judge Locke issued a Report and Recommendation recommending that Defendant’s motion to dismiss be granted in part and denied in part. (ECF No. 29, the “R&R.”) Defendant then filed an objection to the R&R, arguing that, contrary to the R&R, the Court should dismiss all claims based on the hiring of Broderick Spencer. (ECF Nos. 33, 34, 35.) On March 10, 2020, Plaintiff filed a request for an extension of time to respond to Defendant’s objection. (ECF No. 37.) The Court denies Plaintiff’s request because the Court finds that no response to Defendant’s objection is necessary.

In reviewing a magistrate judge’s report and recommendation, the Court must “make a de novo determination of those portions of the report or . . . recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. Those portions of a report

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**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

ORDER

17-CV-4189 (JMA) (SIL)

and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

Having undertaken a review of the record, the underlying motion papers, the R&R, and Defendant's objection, I agree with Judge Locke's R&R and adopt it as the opinion of this Court. The Court has reviewed, de novo, Defendant's arguments that the Court should dismiss all claims based on the hiring of Broderick Spencer. The Court, however, agrees with the R&R on this issue and denies the motion to dismiss as to those claims. Further, having undertaken a review of the remainder of Judge Locke's R&R to which there has been no objection, I find no clear error.

Therefore, Judge Locke's R&R is adopted in full as the opinion of this Court, and Defendant's motion to dismiss is DENIED in part and GRANTED in part as set forth in the R&R.

SO ORDERED.

Dated: March 11, 2020
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE